

(Pub. L. 90448, title XIV, §1421, as added Pub. L. 96153, title IV, §409, Dec. 21, 1979, 93 Stat. 1132.)

EFFECTIVE DATE

Section effective on effective date of regulations implementing provisions, but in no case later than six months following Dec. 21, 1979, see section 410 of Pub. L. 96153, set out as an Effective Date of 1979 Amendment note under section 1701 of this title.

§1720. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out this chapter.

(Pub. L. 90448, title XIV, §1422, formerly §1421, Aug. 1, 1968, 82 Stat. 599; renumbered §1422, Pub. L. 96153, title IV, §409, Dec. 21, 1979, 93 Stat. 1132.)

CHAPTER 43—NEWSPAPER PRESERVATION

Sec.

1801. Congressional declaration of policy.

1802. Definitions.

1803. Antitrust exemptions.

(a) Joint operating arrangements entered into prior to July 24, 1970.

(b) Written consent for future joint operating arrangements.

(c) Predatory practices not exempt.

1804. Reinstatement of joint operating arrangements previously adjudged unlawful under antitrust laws.

§1801. Congressional declaration of policy

In the public interest of maintaining a newspaper press editorially and reportorially independent and competitive in all parts of the United States, it is hereby declared to be the public policy of the United States to preserve the publication of newspapers in any city, community, or metropolitan area where a joint operating arrangement has been heretofore entered into because of economic distress or is hereafter effected in accordance with the provisions of this chapter.

(Pub. L. 91353, §2, July 24, 1970, 84 Stat. 466.)

SHORT TITLE

Section 1 of Pub. L. 91353 provided that: "This Act [enacting this chapter] may be cited as the 'Newspaper Preservation Act'."

SEPARABILITY

Section 6 of Pub. L. 91353 provided that: "If any provision of this Act [enacting this chapter] is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of this Act, and the applicability of such provision to any other person or circumstance, shall not be affected thereby."

§1802. Definitions

As used in this chapter—

(1) The term "antitrust law" means the Federal Trade Commission Act [15 U.S.C. 41 et seq.] and each statute defined by section 4 thereof [15 U.S.C. 44] as "Antitrust Acts" and all amendments to such Act and such statutes and any other Acts in pari materia.

(2) The term "joint newspaper operating arrangement" means any contract, agreement, joint venture (whether or not incorporated), or other arrangement entered into by two or

more newspaper owners for the publication of two or more newspaper publications, pursuant to which joint or common production facilities are established or operated and joint or unified action is taken or agreed to be taken with respect to any one or more of the following: printing; time, method, and field of publication; allocation of production facilities; distribution; advertising solicitation; circulation solicitation; business department; establishment of advertising rates; establishment of circulation rates and revenue distribution: *Provided*, That there is no merger, combination, or amalgamation of editorial or reportorial staffs, and that editorial policies be independently determined.

(3) The term "newspaper owner" means any person who owns or controls directly, or indirectly through separate or subsidiary corporations, one or more newspaper publications.

(4) The term "newspaper publication" means a publication produced on newsprint paper which is published in one or more issues weekly (including as one publication any daily newspaper and any Sunday newspaper published by the same owner in the same city, community, or metropolitan area), and in which a substantial portion of the content is devoted to the dissemination of news and editorial opinion.

(5) The term "failing newspaper" means a newspaper publication which, regardless of its ownership or affiliations, is in probable danger of financial failure.

(6) The term "person" means any individual, and any partnership, corporation, association, or other legal entity existing under or authorized by the law of the United States, any State or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any foreign country.

(Pub. L. 91353, §3, July 24, 1970, 84 Stat. 466.)

REFERENCES IN TEXT

The Federal Trade Commission Act, referred to in par. (1), is act Sept. 26, 1914, ch. 311, 38 Stat. 717, as amended, which is classified generally to subchapter I (§41 et seq.) of chapter 2 of this title. For complete classification of this Act to the Code, see section 58 of this title and Tables.

§1803. Antitrust exemptions

(a) Joint operating arrangements entered into prior to July 24, 1970

It shall not be unlawful under any antitrust law for any person to perform, enforce, renew, or amend any joint newspaper operating arrangement entered into prior to July 24, 1970, if at the time at which such arrangement was first entered into, regardless of ownership or affiliations, not more than one of the newspaper publications involved in the performance of such arrangement was likely to remain or become a financially sound publication: *Provided*, That the terms of a renewal or amendment to a joint operating arrangement must be filed with the Department of Justice and that the amendment does not add a newspaper publication or newspaper publications to such arrangement.

(b) Written consent for future joint operating arrangements

It shall be unlawful for any person to enter into, perform, or enforce a joint operating arrangement, not already in effect, except with the prior written consent of the Attorney General of the United States. Prior to granting such approval, the Attorney General shall determine that not more than one of the newspaper publications involved in the arrangement is a publication other than a failing newspaper, and that approval of such arrangement would effectuate the policy and purpose of this chapter.

(c) Predatory practices not exempt

Nothing contained in the chapter shall be construed to exempt from any antitrust law any predatory pricing, any predatory practice, or any other conduct in the otherwise lawful operations of a joint newspaper operating arrangement which would be unlawful under any antitrust law if engaged in by a single entity. Except as provided in this chapter, no joint newspaper operating arrangement or any party thereto shall be exempt from any antitrust law.

(Pub. L. 91353, §4, July 24, 1970, 84 Stat. 467.)

REFERENCES IN TEXT

Any antitrust law, referred to in subsecs. (a) and (c), are the antitrust laws defined in section 1802 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1804 of this title.

§1804. Reinstatement of joint operating arrangements previously adjudged unlawful under antitrust laws

(a) Notwithstanding any final judgment rendered in any action brought by the United States under which a joint operating arrangement has been held to be unlawful under any antitrust law, any party to such final judgment may reinstitute said joint newspaper operating arrangement to the extent permissible under section 1803(a) of this title.

(b) The provisions of section 1803 of this title shall apply to the determination of any civil or criminal action pending in any district court of the United State¹ on July 24, 1970, in which it is alleged that any such joint operating agreement is unlawful under any antitrust law.

(Pub. L. 91353, §5, July 24, 1970, 84 Stat. 467.)

REFERENCES IN TEXT

Any antitrust law, referred to in subsecs. (a) and (b), are the antitrust laws defined in section 1802 of this title.

CHAPTER 44—PROTECTION OF HORSES

Sec.	
1821.	Definitions.
1822.	Congressional statement of findings.
1823.	Horse shows and exhibitions.
	(a) Disqualification of horses.
	(b) Prohibited activities.
	(c) Appointment of inspectors; manner of inspections.
	(d) Recordkeeping and reporting requirements; availability of records.

¹So in original. Probably should be "States".

Sec.

	(e) Inspection by Secretary or duly appointed representative.
1824.	Unlawful acts.
1825.	Violations and penalties.
	(a) Criminal acts and penalties.
	(b) Civil penalties; review and enforcement.
	(c) Disqualification of offenders; orders; civil penalties applicable; enforcement procedures.
	(d) Production of witnesses and books, papers, and documents; depositions; fees; presumptions; jurisdiction.
	(e) Detention of horses; seizure and condemnation of equipment.
1826.	Notice of violations to Attorney General.
1827.	Utilization of personnel of Department of Agriculture and officers and employees of consenting States; technical and other non-financial assistance to State.
	(a) Assistance from Department of Agriculture and States.
	(b) Assistance to States.
1828.	Rules and regulations.
1829.	Preemption of State laws; concurrent jurisdiction; prohibition on certain State action.
1830.	Report to the Congress.
1831.	Authorization of appropriations.

§1821. Definitions

As used in this chapter unless the context otherwise requires:

(1) The term "management" means any person who organizes, exercises control over, or administers or who is responsible for organizing, directing, or administering.

(2) The term "Secretary" means the Secretary of Agriculture.

(3) The term "sore" when used to describe a horse means that—

(A) an irritating or blistering agent has been applied, internally or externally, by a person to any limb of a horse,

(B) any burn, cut, or laceration has been inflicted by a person on any limb of a horse,

(C) any tack, nail, screw, or chemical agent has been injected by a person into or used by a person on any limb of a horse, or

(D) any other substance or device has been used by a person on any limb of a horse or a person has engaged in a practice involving a horse,

and, as a result of such application, infliction, injection, use, or practice, such horse suffers, or can reasonably be expected to suffer, physical pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving, except that such term does not include such an application, infliction, injection, use, or practice in connection with the therapeutic treatment of a horse by or under the supervision of a person licensed to practice veterinary medicine in the State in which such treatment was given.

(4) The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(Pub. L. 91540, §2, Dec. 9, 1970, 84 Stat. 1404; Pub. L. 94360, §3, July 13, 1976, 90 Stat. 915.)

AMENDMENTS

1976—Pub. L. 94360 added pars. (1) and (2), redesignated subsec. (a), defining "sore" as meaning that cer-